United Nations A/HRC/34/35

General Assembly

Distr.: General
16 March 2017

Original: English

Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda items 2 and 9
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief*

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 31/26 in which the Council requested the High Commissioner to prepare and submit to the Council at its thirty-fourth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 of resolution 31/26 and views on potential follow-up measures for better implementation of that plan.

* The present document was submitted after the deadline in order to reflect the most recent developments.

GE.17-04258(E)

1704258

Please recycle

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 31/26 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief. In paragraph 13 of resolution 31/26, the Council requested the High Commissioner to prepare and submit to it at its thirty-fourth session a comprehensive follow-up report with elaborated conclusions, based upon information provided by States, on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 of the resolution, and views on potential follow-up measures for further improvement of the implementation of that plan.

2. On 15 March 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale to Member States seeking contributions to the report to be prepared pursuant to resolution 31/26. Seventeen contributions were received. In sections II and III below, the High Commissioner summarizes those contributions.[1] In section IV, the High Commissioner provides some observations and views on follow-up measures for further improvement in the implementation of the action plan and in section V he draws conclusions and makes recommendations for action by Member States.

II. Information received from Member States

Argentina

3. Interreligious policy in Argentina is led by the Ministry of Foreign Affairs and Worship. The Secretary for Worship maintains the relationship between the national Government and religious entities, apart from the Roman Catholic Church.

4. The mandate of the National Institute against Discrimination, Xenophobia and Racism includes strengthening and promoting the principle of pluralism and religious diversity; promoting the diversity of cults and confessions as a value in society; and promoting the eradication of discriminatory practices, stereotyping and prejudices, directed in particular against followers of African religions.

5. The Institute proposes initiatives in this regard and is mandated to consider complaints on diverse grounds of discrimination, including anti-Semitism and Islamophobia. It also provides assistance to victims of discrimination.

6. The Institute tackles the issue from different angles, including through prevention and by promoting activities, such as the Afrodescendant programme and the intercultural section, which are aimed at amplifying and effectively implementing public policies, taking into account the specific needs and realities of people of African descent.

Australia

7. Australia reported that all Australians were entitled to express and practise their religion and beliefs, without intimidation or interference, provided those practices were within the framework of Australian law. The Constitution prohibited the Government from making any law establishing any religion, imposing any religious observance or prohibiting the free exercise of any religion (section 116).

8. The Constitution also contained an implied guarantee of freedom of communication in relation to political matters. That freedom could be limited only by laws that were reasonably appropriate and adapted to achieving a legitimate end or overriding public

[1] The original texts of the contributions provided by Member States are available from http://adsdatabase.ohchr.org/.

purpose, such as the protection of the community from the dangers provoked by material promoting violence.

9. A multicultural community liaison officer network operated across Australia, developing productive and collaborative engagement with diverse communities, including religious groups and key stakeholders, to strengthen linkages to the Government and support a productive and diverse society. An ethnic liaison officer network had been created in 2013 to facilitate interaction with ethnic communities and the Department of Immigration and Border Protection. Australia had funded a range of community-led mentor training programmes and workshops that supported youth and individual leaders in countering violent extremism.

Bosnia and Herzegovina

10. The Interreligious Council of Bosnia and Herzegovina identifies and resolves potential tensions between members of different religious communities and solves problems based on information obtained from competent bodies, communities and officials.

11. A human rights strategy for the fight against discrimination is being developed to analyse the domestic situation, set priorities, propose measures and focus efforts to improve the level of protection and promotion of human rights.

12. The law on freedom of religion guarantees that everyone has the right to freedom of religion or belief, including freedom to publicly profess, or not, a religion. Under the law, the following are all prohibited: attacks on religious officials; attacks on or damage done to religious buildings or the property of churches or religious communities; activities or actions aimed at the dissemination of religious hatred against any church or religious community, or its members; the denigration or ridiculing of any religion; the public use of symbols, signs and attributes or the name of a church or religious community without consent; incitement, encouragement or call for religious hatred and prejudices; and forcing a person to manifest a religion or belief.

13. Bosnia and Herzegovina has completed two basic agreements with the Holy See and the Serbian Orthodox Church and expects to sign an agreement with the Islamic community very soon. The Interreligious Council has started a project on the monitoring of and responses to attacks on religious sites and other holy sites.

Brazil

14. The Secretariat for Human Rights holds hearings in different states, promotes dialogue between religious leaders, government and civil society and advocates for the right to freedom of religion or belief. It supports victims of religious intolerance and violence and seeks to improve the monitoring of violence. Created in 2014, the National Committee for Respect for Religious Diversity is composed of representatives of civil society and government, as recommended in the national plan for human rights: 5 state committees and 13 municipal committees are charged with promoting religious diversity.

15. A specific unit was created at the end of 2015 for followers of religions of African origin who are victims of religious discrimination and violence. The Government is also establishing a protection network for victims of religious intolerance and violence aimed at monitoring and following up on complaints.

16. There is a programme on television, which presents different religions and raises awareness based on concrete cases. Since 2001, the National Day for the Fight against Religious Intolerance has been celebrated on 21 January. In 2016, 20 Brazilian states organized events mobilizing people and bringing greater visibility to these issues.

17. Brazil reported on the training of civil servants in the executive, legislative and judicial branches, school management and professors and on the organization of public hearings with different ministries related to religious pluralism in the country.

Denmark

18. The National Police launched a nationwide programme in November 2015 to monitor hate crimes. The police have also initiated a dialogue with a number of stakeholders, with a view to establishing closer cooperation and determining ways to increase the number of reports of hate crimes by victims.

19. Section 244-246 of the Criminal Code contains provisions regarding violence and assaults. Section 23 provides for an offence if a person is complicit in such acts by incitement or aiding and abetting a wrongful act. Section 81 (6) of the Code makes it an aggravating circumstance in the sentencing of a criminal act, if the act was motivated by the ethnic origin, religious beliefs or sexual orientation of others, or similar motivations. Section 266 (b) provides that any person who publicly, or with the intent of dissemination to a wider group, issues a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality will be liable to a fine or imprisonment for a term not exceeding two years.

20. According to section 137 (2) of the Criminal Code any person who disturbs, inter alia, a service of worship or other public church service by noisy or disorderly behaviour, or who disturbs a funeral or burial service in an improper manner will be liable to a fine or imprisonment for a term not exceeding two years.

Egypt

21. The Ministry of Awqaf (religious property) is responsible for the promotion of the concepts of human rights and freedoms through the dissemination of a culture of tolerance and coexistence. It reports on the forum of tolerance and moderation in the Supreme Council of Islamic Affairs, under the purview of the Ministry, which promotes dialogue and a culture of economic and social rights and the rejection of violence, intolerance, terrorism and religious hatred. On 18 September 2015, a Friday preaching was circulated in all mosques in Egypt, which referred to human rights, the humane aspects of human rights and the defence of the dignity of man. The Ministry circulates preaching materials on peaceful coexistence and human values, in order that the public understand the necessity of rejecting violence and terrorism, and it calls for moderation, secularism and safety as a way to stabilize nations and societies.

22. On "Humanitarian Work Day" in the United Arab Emirates, the Minister of Awqaf gave an important lecture at the Sheikh Zayed Al Kabir mosque in Abu Dhabi concerning peaceful coexistence between religion and jurisprudence. The Ministry organizes meetings and intellectual seminars in clubs and staff unions on many subjects, including the rejection of discrimination, women's rights and incitement to violence. There are seminars, day courses and religious evenings organized on a weekly basis in mosques around the country, during which freedom of expression, the protection of human rights and the teaching that Islam calls for peaceful coexistence with others, independent of religion, confession and thought, as well as the principle of "no harm to others", are discussed.

Germany

23. In Germany, offences involving discrimination against persons based on religion or belief, particularly violent offences, are separately recorded and analysed as hate crimes, which come under the heading of politically motivated crime. Under criminal law, hate crime involving contempt for other human beings, which includes discrimination or violence based on religion or faith, means that the courts generally hand out stricter sentences, or, in the case of murder, consider the offender to have acted from base motives (section 211 of the Criminal Code). Hate crimes are prosecuted as offences against State security. The police forces of the federal Länder support victim assistance projects, associations and institutions and other counselling bodies in an effort to encourage those

seeking help to come forward, to reduce barriers and to raise confidence in the police and their work.

24. In 2015, the obligation to prove "bias motives" and document the result in cases of violent crime was implemented in the guidelines for police investigations with the main objective of comprehensively recognizing "bias motives" during police investigations in order to ensure their consideration as an aggravating circumstance during prosecution and sentencing.

25. Recently, the Federal Ministry of Justice and Consumer Protection established a task force together with Facebook, Google, Twitter and several civil society organizations, to jointly work out suggestions on how to deal with hate speech on the Internet. The participants agreed that hate speech prohibited under German law will also be reviewed and removed from the Internet in a timely manner. Hate speech can, according to German law, constitute a statutory offence when incitement to hatred or violence is directed against a person or a group on the basis of race, ethnic origin, nationality, religion, sexual orientation or identity, gender, age, disabilities, or any other characteristic immanent in the group.

Guatemala

26. With reference to the protocol for the identification, attention and reference of cases of violence in the national educational system, the Ministry of Education has developed various different manuals to be used by teachers and students.

27. The Group of Four is a strategic alliance between the Catholic Church, the Human Rights Procurator, the President of the Evangelical Alliance and the rector of the University of San Carlos de Guatemala, to follow up on national priority issues and acts as a guarantor group of national agreement for the advancement of security and justice, working in ecumenical groups, which include priests and Mayan spiritual leaders of social prominence at the national level.

28. Article 37 of the Political Constitution establishes the freedom of all religions in the practice of their worship and recognizes the legal status of the Catholic Church. Other churches, religious entities and religious associations obtain recognition of their legal status according to their institutions, which the Government cannot deny other than for public order reasons.

29. The unit for Sacred Sites and the Practice of Mayan Spirituality, created by the Ministry of Culture and Sports, supports the Higher Council in its responsibilities and search for solutions faced by spiritual leaders and people who practise Mayan spirituality in sacred sites, monuments, parks or archaeological centres located on the national territory and which are under the administration of the Ministry. Spiritual leaders have been granted free access to the sacred places or archaeological sites under the jurisdiction of the Ministry to perform their ceremonies.

Indonesia

30. The Forum of Interreligious Harmony is a platform for promoting dialogue and an avenue for collaboration on combating violent extremism by providing recommendations to the State on the issuance of permits for places of worship. It also undertakes mediation services in cases of conflict. Various stakeholders, including religious leaders, academia, youth, the media, the private sector and civil society, are involved.

31. Generally, throughout Indonesia local governments involve the local police, the national army, the Ministry of Religious Affairs, the Forum and attorneys in nurturing public order and harmony among members in society. In February 2016, the National Human Rights Commission held a public forum on freedom of religion and belief, in which several high-level officials took part, including the Minister for Interior Affairs and the Minister for Religious Affairs.

32. At the national and provincial levels, the Office of the Ministry of Religious Affairs has carried out a media education series on sensitization among journalists and chief editors.

33. Launched on 28 May 2016 in Papua Province by the Minister for Religious Affairs, the "religious harmony integrity zone programme" promotes the integrity of the Indonesian people and community by integrating religious elements in its public awareness programme. The Centre for Religious Harmony at the Ministry is the lead government agency responsible for empowering communities, religious groups and religious leaders, and provides guidelines on the maintenance of peaceful coexistence.

34. Indonesia launched a new initiative on empowering leaders of peace through digital platforms in February 2016 to create a global and integrated counter-narrative campaign against the spread of extremist ideology through the spread of social media messages of peace and the spirit of tolerance.

Iraq

35. The 2005 Constitution ensures the rights and freedoms of minorities in Iraq. Freedom of religion is provided for under article 2 and the right to teach children their native language, such as Turkish, Syrian and Armenian, is ensured. The Constitution also provides for the right to live without discrimination and has provisions on freedom of thought, conscience and beliefs. It also provides for freedom of religion and protection of places of worship.

36. In the Constitution, minorities have the right to be treated as citizens and have a role in the Council of Representatives.

37. Iraq noted that the Penal Code provides for more than three years' imprisonment or a fee of 300 dinars for deliberately disrupting religious meetings; openly condemning people because of their religion; and openly disrespecting the religious opinions of others.

38. The Government has created entities, such as the Ministry of Human Rights, to improve laws for all Iraqis, noting that all religions are governed by the same laws. The Ministry has followed up on complaints, inter alia about the inability of Shabak people to own land; improved services for the Yazidi population; and complaints by Mandeans at their underrepresentation.

39. The Government states that it has organized satellite television channels to promote reconciliation between religious groups; granted citizenship to the children of Kurds and made restitution of their properties; provided land and properties to minorities to build places of worship; and supported the teaching of Christianity by Christians. Public officials and employees receive training and the Government continues to create awareness of hatred and prejudice and promote religious freedom.

Kazakhstan

40. According to the General Prosecutor's Office, discrimination is prohibited by article 14 of the Constitution, which stipulates that all are equal before the law and that no one may be subjected to any discrimination, including on religious grounds. Article 5 of the Constitution prohibits the establishment and activities of public associations whose objectives or actions are aimed at inciting racial and ethnic strife. Propaganda and agitation of racial and national superiority (art. 20) and any actions capable of upsetting inter-ethnic concord shall be deemed unconstitutional (art. 39).

41. Criminal offences based on national, racial or religious hatred or enmity are recognized as a circumstance aggravating criminal responsibility and punishment. Article 145 of the Criminal Code provides for criminal liability for direct or indirect restriction of the rights and freedoms of the individual (citizen) for the above reasons and circumstances. In 2011, the Criminal Code was amended to include criminal responsibility for crimes

aimed at violating the equality of citizens and the use of torture, and crimes motivated by ethnic hatred are now treated as aggravating criminal liability.

42. Further to a recommendation by the Committee on the Elimination of Racial Discrimination to increase the capacity and value of the Assembly of the People, representatives of ethnic groups living in Kazakhstan are organizing in the framework of various ethnic and cultural associations, of which there are 820.

Kuwait

43. Article 35 of the Constitution of Kuwait states that freedom of belief is absolute and that the State protects the freedom to practise religion in accordance with established customs, provided that it does not conflict with public policy or morals. Article 29 states that all people are equal in human dignity and in public rights and duties before the law, without distinction as to race, origin, language or religion. Additionally, the Penal Code and its amendments criminalize acts that infringe upon freedom of religion or challenge dogmas, rituals or religious teachings. They also criminalize attacks on places of religious worship or cemeteries.

44. Article 110 of the Constitution stipulates that anyone who broadcasts, in any way, views including ridicule or contempt of the religious sector, whether it be to challenge the beliefs or rituals of teachings or not, shall be punished by imprisonment for a term not exceeding one year and a fine not exceeding 75 KD.

45. Law No. 19 of 2012 on the protection of national unity includes legal provisions criminalizing anything that would prejudice national unity or disseminate hate speech.

46. Kuwait reported that owing to the growing phenomenon of terrorism and extremism and cultural polarization between civilizations and nations, the Council of Ministers had issued resolution No. 833/2004 to form a supreme committee to promote moderation, headed by the Minister of Awqaf and Islamic Affairs, to formulate programmes, procedures and operational plans to protect young people and prevent manifestations of deviation, intolerance and religious extremism.

47. A national document aimed at promoting a culture of tolerance, peace and moderation has contributed to consolidating the concept of intercultural dialogue and disseminating moderation and "centrist awareness" among members of society. The Ministry of Awqaf and Islamic Affairs is the authority supervising mosques and is working to direct preachers to educate the community about the values of Islam and spread a culture of tolerance, cooperation and moderation, which rejects intolerance and extremism, either through Friday sermons or lessons in mosques.

Morocco

48. Morocco reported on measures to encourage constructive dialogue and mutual understanding between different actors to combat violent extremism, including the dissemination of moderate religious materials through various means, including scientific chairs and experts disseminating clear positions on different occasions, which denounced terrorism and the negative interpretation of the religion of Islam.

49. Morocco also indicated a large number of measures and initiatives involving the role of religious leaders in fighting extremism and promoting interreligious dialogue, such as *ouléma* institutions, various partnerships with religious leaders, the testing and certification of those with religious functions to ensure competence and standards in the undertaking of their activities, and continuous training according to the national plan of action of imams, *morchidines* and *morchidates*.

50. The national law prohibited violence and discrimination based on origin, colour, sex, social status and religious affiliation. The Constitution enshrined all human rights, universality and the principle of equality and non-discrimination, notably in its preambular paragraphs. Article 7 of the Constitution stipulated that political parties could not be

founded on religious, linguistic, ethnic or regional grounds, or on any other discriminatory basis.

51. Discrimination on the basis of religion or belief was also outlawed and liable to sanction by fines or imprisonment, depending on the nature of the offence. Morocco reported that the penal code was currently being reviewed to be consistent with international human rights norms, including reflection of the fact that discrimination affected the enjoyment of public freedoms and had an impact on political, economic, social and cultural rights.

Pakistan

52. The Government of Pakistan reported that it had undertaken various programmes and projects to promote harmony in the country, that provincial governments had taken steps for the further promotion of the rights of all its citizens and that various federal ministries and government bodies had conducted a number of seminars, conferences and consultative meetings.

53. The Minister for Religious Affairs and Interfaith Harmony had held meetings with scholars of all Muslim sects in Karachi, Islamabad, Lahore, Peshawar and Quetta to find common ground for a shared code of conduct. Interfaith harmony conferences had been held in all the provincial headquarters in 2015 and there were also local interfaith harmony committees.

54. The composition and terms of reference for the National Commission for Minorities included: (a) the development of a national policy on interfaith harmony to explore avenues for peace and security; (b) consideration of laws, executive instructions, orders and the practices of government departments and agencies, which may be discriminatory towards minorities; (c) recommendations to the Government to ensure fuller and effective participation by the members of minority communities in all aspects of national life; and (d) ensuring that churches, shrines, temples, *gurdwaras* and other places of worship of minority communities were preserved, well-kept and remained fully functional.

55. The Government of Pakistan noted that it had taken serious action against hate speech: loud speakers had been banned to discourage hate speech and violators arrested. Electronic media was regulated by the Pakistan Media Regulatory Authority Ordinance 2002 (XIII), which had been strengthened by a 2007 amendment.

56. In addition to constitutional protections and equal rights in respect of the practice of religion, chapter XV of the Pakistani Penal Code-1860 concerned offences relating to religion.

57. The Government reported that it had taken legislative steps to ensure the rights of minorities, including the Hindu marriage bill (2016), the Christian marriage (amendment) bill (2014) and Christian divorce (amendment) bill (2014), the protection of communal properties of minority communities act (2014) and the Hindu disposition of property bill (2014).

Saudi Arabia

58. Saudi Arabia reports that regulations in the Kingdom prohibit discrimination in all its forms. Article 26 of the Constitution stipulates that the Government will protect human rights, in accordance with Islamic sharia law, and article 12 provides that the State will foster national unity and preclude anything that may lead to disunity. Saudi Arabia reports that while all the citizens of the Kingdom are Muslims, the exercise of worship for non-Muslims is guaranteed.

59. The King Abdulaziz Center for National Dialogue holds meetings in which representatives of all denominations and sects in the community participate, with the objective of raising awareness of the culture of dialogue and of human rights and rejection of intolerance, hatred and discrimination in all its forms, including racial and ethnic

discrimination. The Centre has signed an agreement with the Ministry of Islamic Affairs to train imams to practise their role in spreading the culture of tolerance in society through speeches, lectures and other activities.

60. Saudi Arabia participated in the fifth follow-up meeting on the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, hosted by the Organization of Islamic Cooperation in Jeddah in June 2015.

61. Under the laws of Saudi Arabia, any call for religious hatred that constitutes incitement to discrimination is prohibited. The rights enshrined in the Basic Law and other laws can be limited by article 39 of the Constitution, which obliges the media and all means of expression to employ "good words" and prohibits acts which offend human dignity and rights.

62. Royal decree No. A/44 provides for imprisonment for a term of not less than 3 years and not more than 20 years for anyone who has committed specific acts, including affiliation to or support for extremist groups.

Spain

63. The Ministry of Education, Culture and Sport is preparing a strategic plan on "school coexistence" to foster coexistence and prevent all forms of violence against students in general and against the most vulnerable groups in particular. The plan emphasizes prevention, detection and action in situations of harassment or violent incidents, as necessary, to combat hate speech based on the forms of expression that promote or incite racial hatred, xenophobia, anti-Semitism and related intolerance, including hate crimes.

64. The school coexistence portal is an online tool with numerous resources for educational centres, teachers, students and families, which contains information related to the prevention of radicalism and violence through education.

65. The regulation of hate crimes in Spanish legislation, including those based on religion, has been extensively reformed by Organic Law 1/2015, through which the Penal Code was modified specifically to criminalize behaviour that publicly encourages, promotes or incites, directly or indirectly, hatred, hostility, discrimination or violence of or against a group or any part of it, or an individual, on the basis of race, nationality, ethnicity, or other motives related to ideology, religion or belief (art. 1).

66. Spain emphasized the adoption of Law 4/2015 on the status of victims, which includes a list of procedural rights and protection measures for victims of crimes committed in Spain or that could be prosecuted in Spain, regardless of their nationality, whether they were over the legal age or not and whether or not they were legally resident in the country. It also relates to victims of the crimes contemplated in the action plan.

67. The religions most firmly rooted in Spanish society take part in the Advisory Commission on Religious Freedom, which is located within the Ministry of Justice. The first annual report of the Commission on the situation of religious freedom in Spain, published in 2015, refers to major policy developments in this field, to statistical data on the recognized religions most deeply rooted in Spain and a review of the situation concerning places of worship, burial, education, religious assistance, marriage or legal guarantees.

68. On 1 and 2 February 2016, a workshop was held on the subject of the protection of religious liberty and combating discrimination and intolerance based on religion and belief. Numerous experts in the field and representatives of various religions were present.

United Kingdom of Great Britain and Northern Ireland

69. The Equality Act 2010 makes it unlawful to discriminate against someone because of their religion or belief, or lack of religion or belief, which includes denominations or sects within a religion. The United Kingdom reports that people are protected against direct and indirect discrimination, harassment and victimization in respect of employment, the

provision of services, the delivery of public functions, education and the management and disposal of premises.

70. The right to freedom of thought, conscience and religion is enshrined in article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms, to which the United Kingdom is a signatory. There are also laws against incitement to racial and religious hatred. Under the Public Order Act 1986, it is an offence to commit an act that is threatening, abusive or insulting and which is intended or likely to stir up racial hatred.

71. Under the Racial and Religious Hatred Act 2006, an offence is committed if a person uses threatening words or behaviour, or displays any written material that is threatening, if the person intends to stir up religious hatred. Possession, publication or distribution of inflammatory material is also an offence. The Terrorism Act 2006 makes it a criminal offence to directly or indirectly incite or encourage others to commit, prepare or instigate acts of terrorism.

72. The Government reports that it has set up the first ever cross-government working group on anti-Muslim hatred and funds, TellMAMA, the first service to record incidents and support victims. It also supports the cross-government working group on anti-Semitism to respond to the concerns of the Jewish community and it supports the Anne Frank Trust to challenge prejudice and hatred in schools across London and the West Midlands. The Government plans to publish its new hate crime action plan in the summer of 2017.

III. Information received from non-Member States

State of Palestine

73. Palestine states that all religions and beliefs are respected. Article 9 of the Constitution provides that all Palestinians are equal before the law. Article 273 of the Penal Code concerns the verbal disrespect of any religion or prophets, which is punishable by imprisonment of between one and three years. Articles 275, 276 and 277 provide for punishment and imprisonment for destruction of a place of worship, regardless of religion; and damage to religious cemeteries or other places of burial.

74. Article 278 prohibits the dissemination of texts, religious articles or pictures that insult a religion and verbal insults, in a public place where others can hear, of other religions. Article 146 makes the intentional destruction of a religious place or insult to a religion, a felony.

75. The disciplinary and educational laws stipulate that everyone has the right to education, regardless of sex, religion, where they live, their colour or background.

IV. Observations and views on follow-up measures to further improve the implementation of the action plan

76. In recent years, there has been greater international attention paid to issues concerning discrimination, intolerance and violence on the basis of religion or belief and Member States have agreed to address them through a number of actions and measures.

77. There is also a rising tide of attacks around the world that target people on account of their religious beliefs, including in places of worship, and horrific acts of incitement to hatred, as well as evidence of racial or religious profiling.

78. It is important to recognize that multiple forms of discrimination may affect individuals and groups. Women suffer from discrimination on the grounds of both gender and religion or belief, often because they are identifiable through manifestations of their faith, and consequently they may bear the brunt of discrimination aimed at their communities.

79. The High Commissioner has repeatedly highlighted increasingly worrying levels of incitement to racial or religious hatred and violence, particularly against ethnic or religious

minorities and migrants. Discrimination and xenophobia is often being triggered or stoked by political leaders, including during electoral campaigns. The number of recorded hate crimes appears to be rising in a number of Member States. All these phenomena tear at the fabric of society, creating mistrust and political and social instability, and posing a threat to peace.

80. It remains urgent that States honour their obligations under international human rights law to fight any discrimination and take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in all fields of civil, economic, political, social and cultural life.

81. The action plan outlined in paragraphs 7 and 8 of Human Rights Council resolution 31/26 provides a guiding tool for individual or collective action to counter religious discrimination and intolerance. Concrete steps and measures to foster its practical implementation are required.

82. Based on the contributions received, it is clear that a number of States continue to take steps to implement the action plan. Among the 18 States that submitted contributions, many reported on legal developments and revisions or amendments to existing legislation and mechanisms dealing with human rights and issues related to freedom of religion or belief in particular. Most States reported that they had constitutional provisions concerning non-discrimination, equality and freedom of religion or belief, and several have enacted criminal codes and civil laws aimed at protection against discrimination and violence on the basis of religion or belief.

V. Conclusions and recommendations

83. **There is an urgent need to take concrete measures to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons based on religion or belief. The action plan provides an important foundation for this endeavour. OHCHR stands ready to assist States, at their request, to develop frameworks and strategies to put the action plan into practice. The present report provides some examples of the ways in which that task could be achieved.**

84. **In the light of the request by the Human Rights Council, the High Commissioner suggests that States consider the following recommendations.**

Dialogue at the national, regional and international levels

85. **The High Commissioner welcomes the fact that dialogue is once again a major feature of the contributions received from Member States and notes the benefits of dialogue that is witnessed through collaborative networks, councils, engagement with various entities and personalities, as envisaged by resolution 31/26. The importance of interfaith and intercultural dialogue and exchange, whether national, regional or international, was underlined in almost all submissions. Ongoing and established interreligious and intrareligious dialogue serves as a forum for communication, discussion, networking and learning and provides for the open debate of ideas. It is also a means to foster harmony, tolerance and coexistence in communities.**

86. **Some States provided examples as to how government-led initiatives and decision-making processes can be most effective when they include civil society organizations, religious leaders and faith-based organizations. The implementation of the action plan should be inclusive in nature, with the participation of a broad range of stakeholders, including regional and international organizations, national human rights institutions, equality bodies and civil society.**

87. **Support from and the participation of Member States in various forms of dialogue should be increased and greater efforts are needed to support regional dialogues, as well as a global dialogue on these issues, as stated in the action plan. International platforms, such as the United Nations Alliance of Civilizations, including**

its regional forums, which cover topics of freedom of religion or belief, could be expanded to specifically address the various elements of the action plan.

88. Recalling the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, States should create or enlarge the competencies of national human rights institutions and equality bodies in order to broaden social dialogue, but also in relation to accepting complaints about incidents of incitement to hatred (see A/HRC/22/17/Add.4, appendix, para. 46). Those institutions must possess the capacity to engage effectively with all actors in society and serve as an additional bastion for interfaith dialogue.

The role of leadership

89. The action plan refers to the efforts of leaders to discuss within their communities the causes of discrimination and evolving strategies to counter those causes and speak out against intolerance.

90. Some States have noted that political and religious leaders speak out against intolerance, including against the advocacy of religious hatred, which constitutes incitement to discrimination, hostility or violence. The role and responsibility of religious leaders and scholars was emphasized, with a number of States noting that the religious leadership was involved in interfaith dialogue, promoting the human rights related to freedom of religion or belief and providing guidance in terms of religious messaging and tone to elicit greater harmony, tolerance and moderation, with a view to curtailing violent extremism and radicalization.

91. In that context and pursuant to the Rabat Plan of Action, OHCHR is reaching out within a "Faith for rights" initiative to stakeholders in the field of religion or belief. The overall objective of the initiative is to promote a collaborative definition of the role and responsibilities of leaders in promoting human rights, based on good practices and lessons learned.

92. Leaders at different levels should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination. They should speak out firmly and promptly against intolerance, discriminatory stereotyping and hate speech and make it clear that violence can never be tolerated, even as a response to incitement to hatred. They also need to stand up for the right of everyone to make free choices, particularly for freedom of religion or belief, and they should affirm their commitment to the universal human rights norms and standards.

93. Religious leaders should also be encouraged to take a public stance in support of religious groups other than their own and engage in dialogue with, rather than exclude, individuals with radical and extremist views. Efforts should be made to bring together religious leaders and faith based organizations with the aim of advocating for school curricula to include and value diversity and equality. In cooperation with religious leaders, States should promote interreligious and interconvictional cooperation on all social issues of relevance to communities. Efforts should be made to increase and strengthen the profile of women, both religious and secular, who are working to prevent incitement to hatred and violent extremism.

Advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence

94. Some States are increasingly active in addressing hate crimes at the domestic level through better monitoring, recording and reporting of hate crimes, consolidated information-gathering, collaborative networks, victim outreach and assistance, and strengthened police and security measures and legal prosecution. National approaches vary between civil and criminal law provisions. The contributions received from States demonstrated that within several domestic legal frameworks, incitement to hatred is a criminal offence and often prohibited on several grounds, including on the grounds of religion or belief. Furthermore, States noted that the politicization of the right to freedom of religion or belief often aggravated existing tensions.

95. Some Member States in their contributions to the present report noted the need to gather and consolidate information about various measures, steps and practices.

96. The Rabat Plan of Action contains expert conclusions and recommendations based on legislative patterns, judicial practices and policies with the aim of better guiding all stakeholders, including national legislatures and the judiciary, in implementing the international prohibition of incitement to hatred. OHCHR works with Member States on substantive support for international standards and practical measures at the national level. For example, in 2015 and 2016, it supported the organization of a training session, a conference and a consultation on issues concerning the situation of minorities, countering incitement to hatred and religious intolerance, in Muscat, Tunis and Beirut respectively. Recently, OHCHR organized a workshop in Amman on developing a model curriculum for continuing education on combating incitement to hatred and the promotion of freedom of expression for judicial academies in the Middle East and North Africa region.

97. States should undertake a systemic study of the patterns, triggers and manifestations of intolerance and incitement to violence in an effort to better understand how they can reduce social tensions and prevent intolerant groups and individuals from lashing out.

98. States should also ensure that their justice system is well equipped to prevent impunity. Those who incite religious hatred or commit crimes, which may violate the right to freedom of religion or belief, should not evade justice.

99. Legal sanctions may be necessary to protect human beings against incitement to hatred, discrimination and acts of violence. In terms of general principles, a clear distinction should be made between three types of expression: expression that constitutes a criminal offence; expression that is not criminally punishable, but may justify civil or administrative sanctions; and expression that does not give rise to any legal action but still raises concern in terms of tolerance and respect for the rights of others.

100. To be effective, legislation on prohibition of incitement to hatred should be endowed with the specificity and certainty required to meet international standards on freedom of religion or belief and freedom of opinion and expression. The Rabat Plan of Action provides useful guidance through its six-part threshold test for expressions considered as criminal offences. There is a need to further explain and specify what that threshold entails and what is considered to be advocacy of religious hatred constituting incitement in practical terms.

101. Member States are further encouraged to utilize the universal periodic review to fully address freedom of religion or belief and related concerns. The use of that mechanism, including through information provided by national human rights institutions and civil society organizations, has great potential to improve the implementation of the action plan.

102. With a view to enhancing the gathering of consolidated information and further reporting, States might revisit the proposal made at the Durban Review Conference, held in 2009, that an observatory be created to gather and organize information about discrimination, including on the basis of religion or belief. Trends and manifestations could be compiled and analysed, as well as legislation, policies, programmes and institutions to address them. It could be used in the development of technical cooperation programmes and a better assessment of the situation. The proposed observatory could initially build on the OHCHR database on practical means to combat racism, racial discrimination, xenophobia and related intolerance, developed in accordance with the Durban Declaration and Programme of Action.

Violent extremism and radicalization

103. Violent extremism and radicalization issues featured in a number of the contributions received. States noted that they were taking measures to combat violent extremism through community networks, leaders and mentoring, youth intervention,

dialogue and education. These phenomena were also being addressed through social cohesion and integration programmes, national harmony initiatives and police and security responses, often coupled with regular engagement and interaction with religious leaders, local communities and young people, as well as data-gathering and monitoring.

104. OHCHR contributes to the knowledge and awareness of States and civil society organizations on the human rights dimensions of preventing and countering violent extremism, including through the organization of a panel discussion at the Human Rights Council, submitting a thematic report on best practices and lessons learned and providing inputs to a handbook produced by the United Nations Office on Drugs and Crime on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons.[7]

105. As stressed by the General Assembly in its resolution 68/127, all Member States should unite against violent extremism in all its forms and manifestations and against sectarian violence. Echoing several of the contributions received from States, it is also critical that effective and principled human rights education campaigns be instituted to prevent and counter violent extremism. Any related activities undertaken or supported by States should be gender-sensitive, inclusive, tailored to the specific local context and based on a climate of trust between the State and those under its jurisdiction. Key concepts related to violent extremism should be clearly defined, particularly when they are likely to trigger measures that may interfere with human rights. In particular, States should respect freedom of opinion and expression and should not criminalize dissent. Adequately conceptualized and transparent programmes aimed at preventing and countering violent extremism have the potential to contribute both to enhanced security and to better protection of human rights.

106. In addition, States should increase awareness and understanding of the phenomenon of youth radicalization and deradicalization, including its gender dimension, and make sure that such information is easily available, widely disseminated and used by young people and youth stakeholders to develop and improve local policies. Youth stakeholders should be empowered to amplify counter messaging.

Awareness-raising, education and training

107. Religious intolerance, stigmatization, negative stereotyping and discrimination are addressed through educational measures, curriculum reform, strategic plans and public information and media campaigns, including online platforms of exchange, networking and engagement on the various issues relating to freedom of religion or belief and non-discrimination. Educational programmes and curricula that inculcate freedom of religion or belief and minority rights could assist in implementing the action plan.

108. There is a need to galvanize world opinion against discrimination on the basis of ethnic or religious background and to generalize and disseminate the understanding that such attitudes are a fundamental attack on the equality and dignity of all human beings. The United Nations recently launched the global "Together" campaign, which is an initiative that promotes respect, safety and dignity for everyone forced to flee their homes in search of a better life. That campaign could also be used as a means to address issues of religious intolerance, which all too often are interrelated with discrimination against refugees and migrants who face multiple forms of discrimination.

109. States are encouraged to consider educational reform that provides for inclusion and recognition of all constituent parts of a society.

110. There is a need to communicate widely and in a simple manner the practical elements of the action plan and the relevant actions of Member States to implement it,

[7] Available from www.unodc.org/pdf/criminal_justice/Handbook_on_VEPs.pdf.

with a view to raising awareness of the issues at stake. States could also consider holding general public briefings on the Istanbul Process.

111. States should strengthen their efforts, for example through broad-based education initiatives, to raise awareness of the value of diversity and promote social cohesion at the community level.

112. OHCHR and the United Nations Educational, Scientific and Cultural Organization could serve as clearing houses for good practices in education to combat hatred and incitement and educational practices aimed at preventing and countering violent extremism. Echoing the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who has called for clear and unequivocal prohibition of biased profiling by law enforcement agencies (see A/HRC/29/46, para. 66) and in order to enhance the implementation of the action plan, States are encouraged to gather and provide law enforcement data, including statistics disaggregated by religion.

Respect and protection of places of worship and religious sites

113. In their contributions, some Member States outlined legal, policy and other measures taken to promote full respect for and protect places of worship and religious sites, cemeteries and shrines. As noted by the Special Rapporteur on freedom of religion or belief in several reports to the Human Rights Council, unlike other forms of violations of the right to freedom of religion or belief, attacks or restrictions on places of worship and religious sites in many cases violate the right not only of a single individual, but also the rights of a group of individuals forming the community that is attached to the place in question.

114. States should adopt adequate measures to protect religious sites and prevent acts or threats of violence. States should ensure that all perpetrators of such attacks are brought to justice. The right to establish and maintain the places of worship of religious minorities should be guaranteed. Additional measures should be taken in cases where they are vulnerable to desecration or destruction. States, relevant intergovernmental and non-governmental organizations and the media should also promote a culture of tolerance and respect for the diversity of religions and for religious sites, which represent an important aspect of the collective heritage of humankind.

Other issues

115. Some States indicated an interest in receiving technical advice and support for the various practical elements outlined in the action plan. OHCHR will be in a position to provide such support upon request. The usefulness of OHCHR developing guidance and tools on the issues at stake could be also considered.

116. Member States could consider streamlining the parallel reporting processes to the Human Rights Council and General Assembly, either in terms of content or focus, or by adjusting the reporting time frames. There is a need to increase reporting by States on the action plan in terms of the overall number of contributions and regional geographic coverage. Since the action plan was adopted, an average of 20-25 responses have been received in response to requests for information sent out by OHCHR. A total of 32 States have submitted contributions for the report to the Human Rights Council, whereas 54 States have done so for the report to the General Assembly over recent years. However, the majority of States have never reported and the regional representation of the contributions received could be improved.

117. Furthermore, the follow-up reports and efforts might be greatly enhanced if all relevant stakeholders, including international organizations, national human rights institutions and civil society organizations, were invited to share their experiences, views and best practices on the topic.